



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH  
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July 14, 2004

**TO:** Washington State Board of Health Members

**FROM:** Carl Osaki, Board Member

**RE: UPDATE ON TRANSIENT ACCOMMODATIONS, CHAPTER 246-360 WAC**

**Background and Summary**

RCW [70.62.240](#) requires that “The board shall adopt such rules as may be necessary to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and safety of the members of the public using such facilities. Such rules shall provide for adequate light, heat, ventilation, cleanliness, and sanitation and shall include provisions to assure adequate maintenance.” Transient accommodations are facilities such as hotels that offer three or more lodging units to travelers and transient guests. Transient accommodations are also mentioned in [RCW 43.20.050](#) as one of the public facilities for which the Board shall adopt “rules controlling public health related to environmental conditions.”

The State Board of Health last made significant revisions to the rules regulating transient accommodations, chapter [246-360 WAC](#), in 1994. On Dec. 17, 2001, it filed a CR-101 ([WSR 02-01-084](#)) announcing it was considering changes to these rules. The Department of Health (DOH) developed draft revisions and held stakeholder workshops in June 2003. The Board filed a CR-102 on June 2, 2004 ([WSR 04-12-117](#)). At today’s meeting, the Board will hold the public hearing and consider adoption of the new rule. You will find in your packet a list of recommended minor amendments designed to clarify, improve, and correct language in the published draft.

In preparation for the public hearing, I have asked Linda Furkay, Deputy Director of the DOH Office of Accommodations and Residential Care Survey, to review the nature of proposed changes to the rule and discuss comments received during the public comment period.

**Recommended Board Action**

Depending on testimony offered and the Board’s own discussions, the Board may choose to consider, amend if necessary, and adopt the following motion:

***The Board adopts the revised Chapter 246-360 WAC as published in WSR 04-12-117 and amended as set forth in the summary of changes.***

## **Discussion**

In 2001, DOH conducted a review of [chapter 246-360 WAC](#), the transient accommodations rule, as required by the Governor's executive order on regulatory improvement. DOH identified several issues in the current rule that needed to be updated or revisited from a policy standpoint. These included safety and security requirements, handling of hazardous materials, unique situations for homeless shelters and rustic resorts, and overall readability. DOH came before the Board at its September 24, 2001 meeting and asked the Board to issue a CR-101, Preproposal Statement of Inquiry. It did so on Dec. 17, 2001 ([WSR 02-01-084](#)).

The Department of Health (DOH) assembled a "TA Roundtable" to further identify issues and assist in the development of new rules. It then drafted possible revisions and held stakeholder workshops to discuss the draft in June 2003.

Many additional issues arose during the rule review process—for example, the existing rules did not support industry efforts to be more environmentally friendly by reducing the frequency with which bed linens and towels are washed. Two issues, however, stood out as being particularly significant and sensitive. The first issue concerns the regulation of homeless shelters. The second issue concerns DOH authority to enter rooms for inspection. Board members were briefed on these two issues at their May 12 meeting and in September it will have a more detailed discussion of proposal for another round of rule making that would create a new section specifically for homeless shelters.

The Board filed a CR-102 on June 2, 2004 ([WSR 04-12-117](#)). The draft rule was hurried through review by senior DOH staff and Board staff so it could be published in time for today's hearing. There are several places where the proposed language could be improved. I have asked staff to prepare a list of recommended changes (see attached summary of changes) and recommend the Board adopt these as amendments to the proposed draft.

Attachments